

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ROBERT FELDMAN,

Plaintiff,

-against-

MALBA GARDENS OWNERS CORP., and
DIRECT MANAGEMENT CORP., and JAKE
DEMOSTHENOUS, individually,

Defendants.
-----X

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ AUG 12 2019 ★

BROOKLYN OFFICE
Docket No.:
18-cv-05095(ILG)(RER)

**STIPULATION AND
ORDER OF DISMISSAL
WITH PREJUDICE**

WHEREAS, the Parties in this action previously notified the Court that this matter was scheduled for a private mediation, which was held on April 23, 2019, and attended by all parties and their counsel; and

WHEREAS, during the mediation, the parties reached an agreement in principle to resolve this matter, which the parties have reduced to writing and filed on the public docket for court-review and approval;

WHEREAS, Magistrate Judge Ramon E. Reyes, Jr. has reviewed the settlement agreement and approved it as fair and reasonable pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015);

NOW THEREFORE upon the joint application of all parties, by their respective counsel, for entry of an Order of Voluntary Dismissal with Prejudice, and the parties' having consented to the entry of this Order; and sufficient cause appearing for the same; after due deliberation;

It is **HEREBY ORDERED AS FOLLOWS**:

1. This action, and all of the claims asserted herein, is hereby dismissed in its entirety with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), without an award of costs or fees to any party except as provided for in the parties' settlement agreement.
2. The Court shall retain jurisdiction over this matter solely to enforce the parties' settlement.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts with scanned PDF or facsimile signatures treated as originals.

BORRELLI & ASSOCIATES, P.L.L.C.
Attorneys for Plaintiff
910 Franklin Avenue, Suite 200
Garden City, New York 11530
Tel. (516) 248-5550
Fax. (516) 248-6027


WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Defendants
150 East 42nd Street
New York, New York 10017-5639
Tel. (212) 490-3000
Fax (212) 490-3038



ELISSA ROSSI, ESQ.



CELENA R. MAYO, ESQ.

SO ORDERED on this  day of July, 2019

s/I. Leo Glasser, USDJ

Hon. I. Leo Glasser, U.S.D.J.